

Approved: Meeting No. 13-14

Attest:

Bridget Donnell Newton
Douglas A. Barber

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND

February 24, 2014

Meeting No. 06-14

7:00 p.m.

Executive Session Summary for February 21, 2014

Executive Session pursuant to the State Government Article of the Annotated Code of Maryland, Section 10-508(a)(1)(i) and Section 10-508(a)(7) to discuss the employment and performance evaluation of an employee over whom it has jurisdiction, and to obtain legal advice regarding a personnel matter.

The Mayor and Council met in Executive Session on Friday, February 21, 2014, at 6:00 p.m. in the Mayor's Office, City Hall, 111 Maryland Avenue, Rockville, Maryland.

Councilmember Onley made the motion to convene in Executive Session. The motion was seconded by Councilmember Feinberg and passed unanimously.

Present: Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Tom Moore, Councilmember Virginia Onley, and Councilmember Julie Palakovich Carr. Also present was City Attorney Debra Daniel.

The topic of discussion was a personnel matter.

The Mayor and Council adjourned the Executive Session at 7:45 p.m.

Mayor and Council Meeting – February 24, 2014

Present:

Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Tom Moore, Councilmember Virginia Onley, and Councilmember Julie Palakovich Carr.

Staff Present:

City Manager Barbara Matthews, City Clerk/Treasurer Doug Barber, and City Attorney Debra Daniel.

1. Convene

The Mayor and Council convened in a regular meeting at 7:02 p.m. on Monday, February 24, 2014, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

Mayor Newton led the Pledge of Allegiance.

3. Agenda Review

City Clerk Barber noted there were no changes to the Agenda.

4. City Manager's Report

City Manager Matthews thanked the various City departments that took part in the City's response to the significant snow event during the week of February 10, 2014. Ms. Matthews also thanked the residents for their cooperation in moving their vehicles off the streets and for everyone's patience as the City responded to biggest snow storm that the City had seen since 2010.

City Manager Matthews then reported on the following:

- The City of Rockville's Senior Center will host a special indoor yard sale on Saturday, March 1, 2014 from 9:00 a.m. until 2:00 p.m.
- The Rockville's Glenview Mansion Art Gallery will host its annual Student Art Show exhibit from March 2, 2014 through March 20, 2014 at the mansion.
- Residents should take advantage of the Heritage Walking Tour, which is a self-guided walking tour of African-American heritage sites in downtown Rockville. The tour includes 18 sites and buildings marked by full-colored exhibit panels.
- The City of Rockville is in the process of updating its Bikeway Master Plan. The plan was last updated in 2004, the City is looking for input from Rockville residents. For more information regarding the Plan or to submit comments, please contact Kevin Belanger at 240-314-8509 or by email at bikeways@rockvillemd.gov. The draft Plan and recommendation map can be viewed at www.rockvillemd.gov/bikewaymasterplan.

5. Appointments/Reappointments and Announcements of Vacancies

Motion: to appoint Ming Hu to the Environment Commission, for a three-year term, as a member until February 1, 2017.

Moved by Councilmember Onley, seconded by Councilmember Feinberg, and passed unanimously.

Motion: to appoint Amanda Matheny to the Environment Commission, for a three-year term, as a member until February 1, 2017.

Moved by Councilmember Palakovich Carr, seconded by Councilmember Feinberg, and passed unanimously.

Motion: to appoint Edwina (Rici) Rutkoff to the Human Services Advisory Board, for a three-year term, as a member at large until February 1, 2017.

Moved by Councilmember Moore, seconded by Councilmember Feinberg, and passed unanimously.

Mayor Newton announced that there are vacancies on the following Boards and/or Commissions: Cultural Arts Commission, Historic District Commission, Recreation and Parks Advisory Board, Recreation and Parks Foundation, Inc., Retirement Board, Senior Citizens Commission, Traffic and Transportation Commission, Human Services Advisory Commission, Human Rights Commission, Landlord Tenant Affairs Commission. Rockville Housing Enterprises, Rockville Sister City Corporation, Personnel Appeals Board, Rockville Economic Development, Inc. (REDI), and the Ethics Commission.

Mayor Newton noted that an email was sent out to all the Boards/Commission Chairs, as well as a press release, that outlined the requirements needed to serve on the newly created Ethics Commission.

6. Community Forum (formerly known as Citizen's Forum)

<i>Citizen</i>	<i>Issue</i>
Rush Williamson	Snow Removal
Jan Seilhamer F.O.P. President, Lodge # 117	Collective Bargaining
Pat McAndrew Esquire	Collective Bargaining
Arthur Katz	Falls Road Interchange
Mateo Samper	Rockville Baseball Association of Montgomery County (RBBA) – Opening Day Ceremony and Festivities
Clark Reed	Community Renewable Energy Legislation
Maria Luginbill	Snow Removal; Sponsorship for the RBBA; Upcoming Activities/Events to Support Rainbow Place Shelter
Jessica Anderson Executive Director, Rockville Housing Enterprises	Request for Funding in the FY15 Budget

Dick Clark

Rockville Baseball Association of
Montgomery County (RBBA) – Opening Day
Ceremony and Festivities

Margaret Chao
President of New Mark Commons

Falls Road Interchange

Cindy Cotte Griffiths

Falls Road Interchange

Dave Thomas

Speed Cameras on Maryland Avenue

7. Mayor and Council's Response to Community Forum and Announcements

Councilmember Palakovich Carr thanked Clark Reed for attending and speaking during Community Forum. She also thanked the Environment Commission for their research on the Community Solar Bills, noting that she will raise the matter for discussion under Old/New Business later in the meeting.

Mayor Newton thanked everyone for attending the meeting, and for bringing forward their thoughts and ideas to the Mayor and Council.

8. Mayor and Council Reports

Councilmember Feinberg noted her attendance, along with that of Mayor Newton, Councilmember Palakovich Carr, and Councilmember Onley at the annual meeting of the Maryland Municipal League Montgomery Chapter with County Executive Leggett. Councilmember Feinberg stated that County Executive Leggett briefed them on the County's revenue situation and provided a fiscal update. Councilmember Feinberg also noted that she and Councilmember Palakovich Carr were in attendance when Maryland Comptroller Peter Franchot presented a proclamation to Bagel City on Sunday, February 23, 2014. Councilmember Feinberg closed by stating that she will be attending her first Retirement Board meeting next week.

Councilmember Onley noted her attendance at the Montgomery County Chapter of National Council of Negro Women's Black History Program held on Saturday, February 22, 2014, at the Bauer Recreation Center.

Mayor Newton noted that she visited with a 4th grade class at Saint Raphael, Catholic School to promote the Maryland Municipal Leagues annual "If I Were Mayor Contest." Mayor Newton also noted her attendance, along with Councilmember Moore, Councilmember Onley, and Councilmember Palakovich Carr at the 90th Birthday celebration for Bernice Grossman at the Kiwanis meeting held at Montgomery College.

9. Consent Agenda – Approval Minutes

The following minutes were presented for approval:

Meeting No. 01-14 (January 6, 2014)
Meeting No. 02-14 (January 13, 2014)
Meeting No. 03-14 (January 27, 2014)

Meeting No. 03-14A (January 30, 2014 – Horizon Hill Community Meeting)

Meeting No. 03-14B (January 31, 2014 – Mayor and Council Retreat)

Meeting No. 03-14C (February 1, 2014 – Mayor and Council Retreat)

Councilmember Palakovich Carr requested that the Mayor and Council vote on the proposed minutes with separate motions for each set. Mayor Newton requested that Meeting No. 03-14 (January 27, 2014) be pulled for approval.

Motion: to approve the minutes of Meeting No. 01-14 (January 6, 2014), as amended.

Moved by Councilmember Moore, seconded by Councilmember Palakovich Carr, and passed with Mayor Newton, Councilmember Moore, Councilmember Palakovich Carr, and Councilmember Onley voting in favor and Councilmember Feinberg abstaining (4-0-1).

Motion: to approve the minutes of Meeting No. 02-14 (January 13, 2014), as amended.

Moved by Councilmember Onley, seconded by Councilmember Feinberg, and passed with Mayor Newton, Councilmember Feinberg, Councilmember Moore, and Councilmember Onley voting in favor and Councilmember Palakovich Carr abstaining (4-0-1).

Motion: to approve the minutes of Meeting No. 03-14 A (January 30, 2014 – Horizon Hill Community Meeting), as amended.

Moved by Councilmember Onley, seconded by Councilmember Feinberg, and passed with Mayor Newton, Councilmember Feinberg, and Councilmember Onley voting in favor and Councilmember Moore, and Councilmember Palakovich Carr abstaining (3-0-2).

Motion: to approve the minutes of Meeting No. 03-14 B (January 31, 2014 – Mayor and Council Retreat), as amended.

Moved by Councilmember Palakovich Carr, seconded by Councilmember Moore, and passed unanimously.

Motion: to approve the minutes of Meeting No. 03-14 C (February 1, 2014 – Mayor and Council Retreat), as amended.

Moved by Councilmember Feinberg, seconded by Councilmember Palakovich Carr, and passed unanimously.

10. Review and Comment – Second Quarter FY 2014 Financial Report

Mary Sue Martin, Management and Budget Analyst presented the Mayor and Council with the Second Quarter 2014 Financial Report. She stated that the report presents FY2014 adopted, and amended budget figures, as well as actual revenue and expenditure data, fund and cash balances for the City's General and Enterprise Funds. Highlights of Ms. Martin's report included the following:

- Income Tax Revenue received through the second quarter of FY2014 is approximately \$ 400,000 greater than what was received through the second quarter for FY2013.

- Building Permit Revenue (Licenses & Permits Category) remained well above the FY2013 levels through the second quarter due to strong permitting activity that included several large-scale projects. Staff does not anticipate as many large-scale projects receiving permits in the second half of FY2014; permitting revenue is expected to exceed the adopted budget.
- Employee benefit costs through the second quarter of FY2014 are double as compared to what was spent through the second quarter FY2013 due to the timing of the City's pension and retiree health contributions. In FY2013 these payments were made in the third quarter; however, the payments are now made earlier to maximize the investment benefit to the Pension Fund and the Retiree Benefit Trust.
- The projected year-end General Fund Unassigned Fund Balance for FY2014 is in compliance with the City policy and has historically exceeded the minimum 15% requirement, which has contributed to the City's ability to maintain its triple-A credit status.
- The projected year-end cash balance for the Water Fund for FY2014 calls into question the ongoing sustainability of the Fund. Contributing factors are the ongoing need to invest in infrastructure, the high fixed operating costs to the system, limited customer base over which to spread the costs, and the current cash deficit. The staff has recently hired a national expert in utility systems, Burton & Associates to perform a comprehensive analysis of the Water and Sewer Funds.
- The projected year-end cash balance for the Stormwater Management Fund for FY2014 raises concerns about the current level of operating and capital spending in the Fund. Ms. Martin noted that the Fund is currently in compliance with policy guidelines; however, the program was originally designed to be supported by all properties within the City.

Ms. Martin ended her report by responding to questions posed by the Mayor and Council. Director of Finance Gavin Cohen and Director of Public Works Craig Simoneau assisted Ms. Martin in responding to questions. She noted that the Second Quarter Financial Report for Fiscal Year 2014 will be posted to the City's website.

11. Introduction and Adoption of an Ordinance to Authorize the Issuance and Competitive Sale of Tax-Exempt 2014A General Obligation Refunding Bonds in an Amount Not to Exceed \$8,000,000 for the Purpose of Refunding Outstanding Debt Previously Issued in 2004 and Related Issuance Costs

Director of Finance Cohen provided the staff report for the item. He advised that the issuance of the proposed bonds would allow the City to issue bonds at a lower rate and to pay off older bonds at a higher rate. Director Cohen noted that the issuance of these bonds is estimated to save the City \$903,000 in interest costs over the ten-year period. Mr. Jim Cumby, Bond Counsel for the City of Rockville from the firm of Venable, LLC, responded to questions from the Mayor and Council concerning the proposed issuance and competitive sale of Tax-Exempt 2014A General Obligation Refunding Bonds by the City.

Mayor Newton noted for the record staff's confirmation that the City cannot refinance these bonds.

Motion: to introduce an Ordinance to authorize the issuance and competitive sale of Tax-Exempt 2014A General Obligation Refunding Bonds in an amount not to exceed \$8,000,000 for the purpose of refunding outstanding debt previously issued in 2004 and related issuance costs.

Moved by Councilmember Feinberg.

Motion: to waive the layover period.

Moved by Councilmember Moore, seconded by Councilmember Feinberg and passed unanimously.

Motion: to adopt an Ordinance to authorize the issuance and competitive sale of Tax-Exempt 2014A General Obligation Refunding Bonds in an amount not to exceed \$8,000,000 for the purpose of refunding outstanding debt previously issued in 2004 and related issuance costs.

Moved by Councilmember Moore, seconded by Councilmember Feinberg and passed unanimously.

12. Discussion – Safety Concerns at the Intersection of Great Falls Road/Maryland Avenue and the I-270/Falls Road Interchange

Emad Elshafei, Chief of Traffic and Transportation, provided the staff report for the agenda item. He provided an overview of the site and noted safety concerns at the intersection of Great Falls Road/Maryland Avenue and the interchange of I-270/Falls Road.

Mr. Elshafei noted that the intersection, along with the crosswalks and a portion of each of all its four legs is owned by the State Highway Administration (SHA). The traffic signal is operated and maintained by Montgomery County. He provided details on the crashes that took place at the intersection for the time period of 2010 through 2013:

- The Rockville resident who was hit in the crosswalk in January 2013 had the walk signal and had the right-of-way.
- The fatal accident that occurred in December 2013 was described in detail. Using photos, he noted that the crash included a left turning vehicle traveling west-bound on Maryland Avenue onto Potomac Valley Road where the driver did not yield to the east bound traveling vehicle going toward town center.
- A review of the State crash records for the three most recent available years (2010-2012) revealed eight crashes, two of which include a vehicle turning left onto Great Falls Road. Summary of the reported crashes are as follows:

2010	2011	2012
Southbound Rear End: 2	Westbound Backing: 1	Eastbound Left Turn: 2
Easbound Rear End: 1		Westbound Rear End: 1
		Southbound Rear End: 1
Total in 2010: 3 crashes	Total in 2011: 1 crash	Total in 2012: 4 crashes

Mr. Elshafei noted some of the potential solutions to improve safety at the intersection. The proposed solution would entail making the left turn signal from Falls Road to Great Falls Road an exclusive left signal, meaning that drivers would not be able to turn left unless they have a green left arrow signal. Mr. Elshafei noted that the intersection is owned by SHA, and that any changes would require SHA review and approval. The staff also noted another proposed recommendation which would be the elimination of the second left turn lane coming from Falls Road to Great Falls Road as it creates confusion for drivers.

Mr. Elshafei noted the concerns at I-270/Falls Road Interchange and used photo's to show and highlight the traffic concerns at the intersection of I-270 northbound off ramp going westbound on Falls Road. It was noted as to be a very confusing intersection.

The following concerns were conveyed and are being reviewed by SHA and were noted as key discussion points:

- Alleviation of the confusion for drivers in the center of the interchange of I-270/Falls Road. Staff advised that SHA staff is currently studying the City's request to install additional median treatment for the two left-turn movements at the interchange, and anticipates completion of this study within 30 days (mid-March 2014)
- Pedestrian and vehicular safety at the top of the I-270 northbound exit ramp, for traffic going eastbound on Maryland Avenue toward Rockville. Staff advised that SHA assigned a study of the ramp to a consultant to determine what could be done to address the issue of motorists not yielding to pedestrians within the crosswalk, and anticipates completion of the study in April 2014.

Mr. Elshaefi addressed with the Mayor and Council on their expressed concern with speeding on Maryland Avenue. The staff has examined speeding on Maryland Avenue between Great Falls Road and Argyle Street has a posted speed limit of 30 MPH for the eastbound direction and 35 MPH for the westbound direction. The City placed a speed indicator sign for the eastbound traffic on Maryland Avenue during the summer of 2013. The results indicated that speed was reduced from 40.9 to 37.8 MPH for the eastbound direction. The Rockville Police Department monitors the speed of motorist along Maryland Avenue, and it is a noted concern by the residents of the area and the City staff.

Councilmember Moore requested clarification on the possibility of placing speed cameras in the area. Mr. Elshafei noted the requirement of being in a school zone for speed cameras to be installed at the requested locations.

Mayor Newton would like make it clear to the motorists coming off of I-270 that they are entering a residential area and to obey the posted speed limit.

Additionally Mayor Newton noted the following concerns:

- Maryland Avenue should be considered a residential street, as there are homes with driveways. The residents of these homes have to back out onto Maryland Avenue, which is difficult at times.
- At Great Falls Road and Maryland Avenue, there were never two left turn lanes. To better define the traffic lanes, she suggested putting in a green space barrier with trees.

- Drivers that are trying to get onto I-270 North will come down to the Great Falls Road and Maryland Avenue intersection and make a U-Turn, as a way to avoid the traffic. She would like to see signage that would prohibit U-Turns at that intersection.
- She noted that, many years ago, there was a proposed agreement between the community, the developer and the City of Rockville to prohibit trucks on Great Falls Road. When the road became a City street, the City would have the authority to implement this. Mayor Newton advised that the agreement was never signed and the City lost the ability to enforce that requirement. She would like to see the City look into having no trucks on the road.

Councilmember Feinberg agreed with the comments given, noting the complexity and confusion at the intersection. She suggested that pavement reflectors be placed as you are coming off of I-270 to guide the motorists and keep them in the correct travel lanes. She also noted her concern with the traffic coming off the I-270 northbound ramp not yielding to the traffic flow. She suggested placing large signs requiring those coming off of I-270 to yield to the oncoming traffic.

Councilmember Palakovich Carr commented on the proposed next steps. Once the State provided feedback to the City, what is the time line being considered to move forward with the recommendations? Ms. Elshaefi stated that the City must first receive a response from the State, and then determine how to move forward.

The Mayor and Council thanked Mr. Elshaefi for his report and look forward to the follow-up discussions once the City receives a response from the State.

Note for the Record: The Mayor and Council took a break at 8:53 p.m. and returned to the meeting at 9:04 p.m.

13. Introduction of an Ordinance to Amend Chapter 13.5 Entitled "Moderately Priced Housing" by Amending Section 13.5-3 so as to Add Two Definitions ("Special Needs Housing with Services" and "Significantly More MPDUs") and by Amending Section 13.5-5 to Provide that the MPDU Requirements of a Special Needs Housing with Services Project may be Approved by an Alternative Agreement; to Provide that the Procedures for Considering and Implementing Alternative Offers shall be Established by the Mayor and Council in the MPDU Regulations; and to Make Other Technical Amendments

Erin Wilson, Housing Planner, addressed the Mayor and Council and provided the staff report for the agenda item. Ms. Wilson noted the two issues that the Mayor and Council requested in August 2013 for staff to research and provide recommendations for a MPDU Policy: (1) No guidance for units with high service fees; (2) No details on alternative options for meeting MPDU requirements if units are not provided onsite. Ms. Wilson stated at that time the Mayor and Council requested staff to obtain feedback from all stakeholders and to refine the proposed changes to the MPDU Policy. On December 16, 2013 staff presented to the Mayor and Council with the following objectives of proposed changes to the MPDU Policy that included the feedback from the stakeholders which were summarized during her report:

1. Provide guidance on MPDU requirements for senior or special needs housing units with services when unit provided onsite.

2. Clarify standards that a developer must meet to request an alternative onsite unit and the criteria the Mayor and Council use to evaluate the offer
3. Provide procedures for evaluating a request for an alternative MPDU agreement
4. Establish a formula for a fee-in-lieu of onsite units

Ms. Wilson noted the following recommendations listed below include the discussion points made by the Mayor and Council on December 16, 2013, and that the stake holder's comments were received, and are incorporated along with the revised staff recommendation:

1. Senior Housing Services: Monthly Fee

Ms. Wilson noted that MPDU participants need to be ensured they can reasonably afford to live in units with an indivisible package of housing and services. The staff has proposed the establishment of a three-tiered maximum monthly fee that would be calculated by the City on an annual basis. The monthly fee would be based on the average of the minimum and maximum monthly household income for each tier. A 75 percent ratio of monthly fee to monthly income would be used to establish the maximum monthly fee for each income tier.

2. Senior Housing with Services: Additional Occupant Fee

Ms. Wilson stated the second affordability concern is the additional occupancy fee that is charged for any additional occupant. The staff has proposed that limitations be placed on the additional occupant not exceed the lesser of 75% of the monthly service fee charged to the initial occupant or the monthly service fee charged to an additional occupant of a market-rate unit.

3. Senior Housing with Services: Flexibility on MPDU Requirement

Ms. Wilson stated that there were no additional adjustments and the staff supports that the applicant may request a reduction to the percentage of onsite units; the maximum reductions is limited to two and one-half percentage points (2.5%) from the required percentage of MPDUs. The language specifying the reduction is included in the draft ordinance.

4. Criteria for Consideration and Approval of Alternative Agreements

Ms. Wilson advised that existing language in Section 13.5-5(f)5 MPDU Ordinance ensures that the Mayor and Council have the flexibility in making decisions about alternative offers for MPDU requirements. The language included in the proposed ordinance is to emphasize that the Mayor and Council have no obligation to approve an alternative offer even if it meets the criteria established. The current policy has the applicant needing to meet the following four criteria:

- Unit will be unaffordable for MPDU household
- Offer will achieve significantly more MPDUs
- Offer will help provide a broad range of housing opportunities
- Building MPDUs is not practical

Ms. Wilson noted in the proposed revised ordinance that the provision now states they must meet three of the four criteria.

Define Terms

Ms. Wilson noted that language has been inserted in the MPDU regulations to specify that the alternative location and quality of housing must be comparable to what would have been provided on-site.

Procedures for Alternative Agreement

Ms. Wilson stated that draft procedures have been added and will be discussed by the Mayor and Council in the next agenda item.

Fee-in-Lieu of MPDU

Ms. Wilson informed the Mayor and Council that the staff does not recommend any changes to the fundamental approach to calculation the fee-in-lieu and still recommends the affordability gap approach for both homeowners and rental units. Ms. Wilson noted one changes since the original proposal in December 2013, which was to deduct a reasonable profit of 10 percent from the fee for each unit.

Ms. Wilson closed with providing the proposed next steps in the process, if the Mayor and Council were prepared to introduce the proposed ordinance at this meeting.

Councilmember Moore asked some follow-up questions regarding the addition of the additional occupant fee being proposed Ms. Wilson responded to his questions.

Tim Dugan, Esquire with Shulman Rogers, and Andrew Teeters with Shelter Inc., noted their support with the proposed market rate additional occupant fee.

Marilyn Leist, Executive Director, Ingleside at King Farm, addressed the Mayor and Council. Ms. Leist stated that Ingleside was currently working from a two-phased resolution for Ingleside at King Farm. They are working with Barbara Sears and Samantha Mazo with Linowes and Blocher LLP, for additional implementations and a developing a model for their referral process.

Samantha Mazo with Linowes and Blocher, LLP., representing Ingleside at King Farm noted for the record that these regulations would not apply, as Ingleside at King Farms operate under its own resolution regarding MPDUs.

Councilmember Palakovich Carr thanked the staff for their work on the MPDUs process.

Councilmember Feinberg noted her comments and concerns with the proposed monthly fees. Ms. Wilson responded that from an administrative stand point she would prefer to keep the proposed fees consistent across the board.

Councilmember Onley stated that the Mayor and Council should review the MPDU process on an annual basis. Ms. Wilson noted that Mayor and Council would be provided on annual basis the new annual MPDU calculation for the coming year. Ms. Wilson advised that during that yearly notification of the MPDU calculation that included in the discussion would be any updates on the program.

Ms. Wilson provided the following clarifications on how applicants must distribute the units and how many units can be in each tier as follows: (1) There has to be at least one unit provided in each tier; (2) 30 percent of the units have to be provided in tier one and tier two with the remainder provided in tier three.

Councilmember Moore requested the following be noted for the record: The Mayor and Council's intention for any future Mayor and Council regarding this issue that they would never be bound to accept any applications for an alternative agreement. City Attorney Daniel clarified that this is a regulatory requirement so there does need to be some basis for the language. City Attorney Daniel noted that there would at least have to be a finding that it was in the best interest of the public to reject it.

Motion: to introduce an ordinance to amend Chapter 13.5 Entitled "Moderately Priced Housing" by Amending Section 13.5-3 so as to add two definitions ("Special Needs Housing with Services" and "Significantly More MPDUs") and by amending Section 13.5-5 to provide that the MPDU Requirements of a Special Needs Housing with Services Project may be approved by an alternative agreement; to provide that the procedures for considering and implementing alternative offers shall be established by the Mayor and Council in the MPDU Regulations; and to make other technical amendments

Moved by Councilmember Moore

14. Discussion and Instruction of Changes to the Moderately Priced Dwelling Unit (MPDU) Regulations that Address Requirements for Non-Traditional Housing Units, Provide Procedures for Establishing Alternative Agreements, and Establish a Formula for a Fee-In-Lieu of Providing On-site MPDUs

The Mayor and Council discussed this matter as part of the previous Agenda Item #13 (Introduction of an Ordinance to Amend Chapter 13.5 Entitled "Moderately Priced Housing" by Amending Section 13.5-3 so as to Add Two Definitions ("Special Needs Housing with Services" and "Significantly More MPDUs") and by Amending Section 13.5-5 to Provide that the MPDU Requirements of a Special Needs Housing with Services Project may be Approved by an Alternative Agreement; to Provide that the Procedures for Considering and Implementing Alternative Offers shall be Established by the Mayor and Council in the MPDU Regulations; and to Make Other Technical Amendments) regarding the discussion and instructions on changes to the moderately priced dwelling units (MPDU) proposed regulations.

Mayor Newton noted that Councilmember Moore requested that the following be included in the forthcoming Moderately Priced Dwelling Unit (MPDU) Regulations: that the fee for an additional occupant be 75% of the market-rate. Ms. Wilson acknowledged the requested change by Councilmember Moore and will make the revision to the MPDU regulations to reflect the change prior to them adopting the regulations at their Mayor and Council meeting scheduled for March 10, 2014.

15. Discussion and Instructions Concerning Rockville's Independence Day Celebration

Colleen McQuitty, Special Events Manager, provided the Mayor and Council with additional information on the proposed locations for Rockville's Independence Day Celebration 2014. On January 6, 2014, the Mayor and Council discussed possible options and venues for the celebration. The staff discussed the proposal of moving the fireworks to RedGate Golf Course.

However, it was noted that it would change many of the components of the event. Ms. McQuitty received direction from the Mayor and Council to explore other options that would include having concerts as part of the event. The Mayor and Council noted the importance of maintaining a centralized location for the community to gather.

The staff provided the following recommendation based on the challenges associated with launching the firework from RedGate Golf Course while maintaining the community feeling of a centrally located event that is desired by the Mayor and Council. Due to the required planning and contracting for the new site, staff recommended holding the fireworks at Montgomery College for 2014. The Mayor and Council supported staff's recommendation. Ms. McQuitty thanked the Mayor and Council for their support, indicating that staff would continue to consider and review other locations sites for 2015.

16. Review and Comment Regarding Mayor and Council Action Report

Mayor Newton requested follow-up on the following items noted on the action report:

- Undersized Lots – Mayor Newton noted the problem we are seeing in the older neighborhood with the trees being the boundaries.
- Discussion of having an ombudsman/citizen advocate based on the many issues that have come forward to the Mayor and Council.
- Schedule an FOP Meeting to discuss Collective Bargaining

Mayor Newton requested that staff follow the discussion of the Community Meetings topics being held by the Community Organizations, so as not to have conflicting topics where developers are to appear before any Citizen Association and then a conflicting topic requiring potential citizen input being on the Mayor and Council's agenda. City Manager Matthews responded and allowed for Director of Community Planning and Development Services (CPDS) Swift to respond and provide clarification. Ms. Swift will follow-up and provide a response to the Mayor and Council.

17. Review and Comment Regarding Future Agendas

Councilmember Palakovich Carr requested the following item be placed on the agenda for the meeting scheduled for Monday, March 3, 2014: To add a proclamation declaring March 2014 as Women's History Month.

City Manager Matthews requested the Mayor and Council's guidance on what information they would like to see regarding their discussion of the Children's Research Center (CRC) scheduled for the March 3, 2014, meeting. Mayor Newton requested the Council provide the City Manager their input for the item.

Mayor Newton requested that the following items be added to the action report:

- Discussion on Maryland Avenue regarding traffic concerns
- Discussion of the post mortem snow event

18. Old/New Business

Councilmember Moore addressed the proposed Senate Bill 438 (Municipal Elections – Inclusion of Offices and Questions on the State Ballot) with the Council. Councilmember Moore requested that the City of Rockville support SB 438. Councilmember Moore stated that he would like for the City to have the right to move our elections to the presidential year.

Linda Moran, Assistant to the City Manager, provided insight from the Maryland Municipal League's perspective on SB 438. Ms. Moran noted there was very little discussion of the matter, and that MML has elected to not take a position on the proposed Bill.

Motion: to instruct the staff to actively support this Bill (SB 438) through every tool we have available to us immediately.

Amendment: that the City endorses the Bill (SB 438) and that we lobby for it with every tool that we have at our disposal. The amendment was moved by Councilmember Moore, seconded by Councilmember Feinberg

Moved as Amended by Councilmember Moore, seconded by Councilmember Feinberg, and passed with Councilmember Feinberg, Councilmember Moore, Councilmember Onley, and Councilmember Palakovich Carr voting in favor and Mayor Newton voting against (4-1).

Councilmember Palakovich Carr addressed the Mayor and Council on supporting Community Solar Bills SB786 and HB1192

Linda Moran, Assistant to the City Manager, provide a brief overview and summary of the proposed Bills to the Mayor and Council.

Motion: to have the City of Rockville endorse SB 786 and HB1192 (Electricity Community Renewable Energy Generating Facilities) and to enable someone from the Environment Commission or someone designated by the City Manager to testify at the hearings on March 4, 2014 and March 6, 2014.

Moved by Councilmember Palakovich Carr, seconded by Councilmember Feinberg, and passed unanimously.

19. Adjournment

There being no further business, the meeting adjourned at 10:05 p.m.

Motion: to adjourn.

Moved by Councilmember Palakovich Carr, seconded by Councilmember Onley, and passed unanimously.